Docket No.: GR 98 P 2018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Bernhard Raaf
Applic. No.	:	09/699,835
Filed	:	October 30, 2000
Title	:	Data Transmission with Interruption Phases
Examiner	:	Prenell Jones - Art Unit: 2664

DECLARATION
TO ACCOMPANY PETITION UNDER 37 C.F.R. 1.8(b)

I, Tina Kahl, hereby declare that:

- I am employed as a supervisor at the law office of Lerner and Greenberg, P.A.;
- my duties include supervising the docketing of all incoming and outgoing mail either received or mailed to the Patent Office;
- I have reviewed the outgoing mail log for July 10, 2002, and the pertinent page shows that the amendment was indeed facsimile-transmitted to the Patent Office on that date.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Tina Kahl

Date: April 29, 2003

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,835	10/30/2000	Bernhard Raaf	GR 98 P 2018P	8188

7590 04/22/2003

LERNER AND GREENBERG, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480

EXAMINER
JONES, PRENELL P

ART UNIT	PAPER NUMBER
2664	11

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.	Applicant(s)
09/699,835	Raff et al
Examiner	Art Unit
Prenell Jones	2664

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on *Apr 10, 2002* .

   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of ___ month(s)) which expired on _____ .

   (b) ☐ A proposed reply was received on _____ , but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

   (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

   (b) ☐ The submitted issue fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____ . The publication fee, if required by 37 CFR 1.18(d) is $_____

   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

   (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

DOCKET NO.	INVENTOR	[illegible]	Application (No. of Pgs.)	Assignment	Brief	Cert. Correction	CIP	Claim for Priority	Declaration	Divisonal	Express	Fil. Rcpt. Correct.	Formal Drawings (No.)	IDS (No. of Refs.)	Inf. Drawings (No.)	Issue Fees	Letter	Letter Draftsman	Maintenance Fee	PCT Cover Sheet	Petition for Ext.	Power of Attorney	Priority Document	RCE		Trademark Application	1533	$ Amount	$ Amount	Credit Card	Check	Addit. Info.
L&L-I0270	Gutsche								X								X											$130.00		X		
L&L-I0269	Alsmeier								X								X											$130.00		X		
A-3421	Pitz			X					X								X										X	$130.00	$40.00	X		1595
GR98P5874	Reznik																					X										
GR98P2018	Raaf																											$504.00		X		Faxed
GR98P5997	Schifferl																															Faxed
GR98P3743	Pulhawala																															Faxed
M&N-IT-113	Kühne																															Faxed - Encl. 1 page
GR98P3688	Braun																															Faxed
GR98P2192	Sedlak																															Faxed
GR00P1203	Kröner																					X										
P2000,0133	Kirchhoff																															Faxed
GR98P1765	Hermann																															Faxed

MEMORY TRANSMISSION REPORT

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GR 98 P 2018 P

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

WERNER H. STEMER

Signature July 10, 2002
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bernhard Raaf
Applic. No. : 09/699,835
Filed : October 30, 2000
Title : Data Transmission with Interruption Phases
Examiner : Prenell Jones Group Art Unit : 2664

A M E N D M E N T

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

S i r :

Responsive to the office action dated April 10, 2002, kindly amend the above-identified application as follows:

In the Specification:

Page 1, change the first paragraph as follows:

GR 98 P 2018 P

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

WERNER H. STEMER

Signature

July 10, 2002
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bernhard Raaf

Applic. No. : 09/699,835

Filed : October 30, 2000

Title : Data Transmission with Interruption Phases

Examiner : Prenell Jones Group Art Unit : 2664

A M E N D M E N T

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

S i r :

Responsive to the Office action dated April 10, 2002, kindly amend the above-identified application as follows:

In the Specification:

Page 1, change the first paragraph as follows:

Cross-Reference to Related Application:

This is a continuation of copending international application PCT/DE98/01870, filed July 7, 1998, which designated the United States. This application also claims the benefit under 35 U.S.C. § 119(e) of provisional application No. 60/699,835, filed April 28, 1998.

In the Claims:

Claim 1 (twice amended). A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame;

transmitting the data at a substantially constant permanent transmission rate, except for the data that are received

immediately preceding and immediately following the continuous interruption phase;

transmitting the data that are to be received immediately preceding the continuous interruption phase at a transmission rate that is higher than the substantially constant permanent transmission rate; and

transmitting the data that are to be received immediately following the continuous interruption phase at a transmission rate that is higher than the substantially constant permanent transmission rate.

Claim 4 (twice amended). The method according to claim 1, which comprises:

transmitting the data that are to be received immediately preceding the continuous interruption phase within boundaries of the first frame; and

transmitting the data that are to be received immediately following the continuous interruption phase within boundaries of the second frame.

Claim 5 (twice amended). The method according to claim 1, which comprises:

coding the data jointly, in each case, with data to be transmitted before and/or afterward over a superposition period having an essentially predetermined superposition length and transmitting the data superimposed upon one another;

transmitting the data to be received immediately preceding the continuous interruption phase over less than one superposition length at the higher transmission rate; and

transmitting the data to be received immediately following the continuous interruption phase over less than one superposition length at the higher transmission rate.

Claim 6 (twice amended). The method according to claim 1, which comprises:

transmitting the data that are to be received immediately preceding the continuous interruption phase at the same transmission rate as the data that are to be received immediately following the continuous interruption phase.

Claim 7 (twice amended). A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame;

transmitting the data redundantly with a substantially constant standard redundancy factor, except for the data that are received immediately preceding and immediately following the continuous interruption phase;

transmitting the data that are to be received immediately preceding the continuous interruption phase with a redundancy factor that is lower than the standard redundancy factor; and

transmitting the data that are to be received immediately following the continuous interruption phase with a redundancy factor that is lower than the standard redundancy factor.

Claim 11 (twice amended). A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame.

Claim 12 (amended). A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame;

distributing a plurality of continuous interruption phases in constantly recurring time intervals in at least one higher-level multiframe that includes a plurality of frames; and

using the receiving station to interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data during the plurality of continuous interruption phases.

Claim 13 (amended). A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame;

configuring a plurality of multiframes such that each of the multiframes includes a predetermined number of frames;

configuring a plurality of continuous interruption phases such that an interruption phase extends recurringly in a given position of one of the plurality of multiframes; and

using the receiving station to interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data during the plurality of continuous interruption phases.

Claim 14 (twice amended). A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the

transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame using the transmitting station to transmit the data such that no data transmitted thereby arrive at the receiving station during the continuous interruption phase.

Claim 17 (twice amended). A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame;

constructing the receiving station to receive the transmitted data; and

constructing the receiving station such that during the continuous interruption phase, the receiving station can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data.

Enter the Following New Claims:

19. A method for data transmission in a CDMA mobile radio system, which comprises:

using a transmitting station of the CDMA mobile radio system to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station of the CDMA mobile radio system receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function; and

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame.

Claim 20. A method for data transmission in a mobile radio system, which comprises:

using a base station of the mobile radio system to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station in the mobile radio system receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function; and

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame.

Remarks:

Reconsideration of the application is requested.

Claims 1-2 and 4-20 are now in the application. Claims 1, 4-7, 11-14 and 17 have been amended. Claim 3 has been cancelled. Claims 19 and 20 have been added.

More specifically, the claims have been amended in light of the Examiner's indication of allowability. As stated in the Office action, claims 3-14 and 17 are considered to be allowable. The subject matter of claim 3 has been incorporated into claim 1 and the dependence of claims 4, 5 and 6 has been adapted accordingly.

The term "essentially" has been changed to "substantially" in several of the claims. This is only a cosmetic change which does not have a bearing on the protective scope of the claims.

Claims 7, 11-14 and 17 have been rewritten in independent form. In light of the indicated allowability, these claims are believed to be patentable as well.

Claim 19 corresponds to claim 16, in independent form. Claim 20 corresponds to claim 18, in independent form. Claims 16 and 18 had been rejected as being obvious over a combination including the secondary reference Park et al.. Park et al., however, is available under 35 U.S.C. § 102(e) as of its filing date of December 4, 1998. The instant application claims the benefit under § 119(e) of Provisional Application 60/083,099, dated April 28, 1998 and under § 120 of International Application PCT/DE98/01870, filed July 7, 1998. The reference to Park et al., therefore, is not available as a prior art reference.

The introductory paragraph "Cross-Reference to Related Application" has been amended to properly make reference to the Provisional Application.

In view of the foregoing, reconsideration and allowance of claims 1-20 are solicited.

The fee in the amount of $504.00 for six extra independent claims in excess of three is enclosed herewith.

Respectfully submitted,

For Applicant

WERNER H. STEMER
REG. NO. 34,956

WHS/tk

July 10, 2002

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Fax: (954) 925-1101

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Page 1, change the first paragraph to read as follows:

Cross-Reference to Related Application:

This is a continuation of copending international application PCT/DE98/01870, filed July 7, 1998, which designated the United States. This application also claims the benefit under 35 U.S.C. § 119(e) of provisional application No. 60/699,835, filed April 28, 1998.

In the Claims:

Claim 1 (twice amended). A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a

portion of a second frame that is successive to the first frame;

transmitting the data at a substantially constant permanent transmission rate, except for the data that are received immediately preceding and immediately following the continuous interruption phase;

transmitting the data that are to be received immediately preceding the continuous interruption phase at a transmission rate that is higher than the substantially constant permanent transmission rate; and

transmitting the data that are to be received immediately following the continuous interruption phase at a transmission rate that is higher than the substantially constant permanent transmission rate.

Claim 4 (twice amended). The method according to claim [3] 1, which comprises:

transmitting the data that are to be received immediately preceding the continuous interruption phase within boundaries of the first frame; and

transmitting the data that are to be received immediately following the continuous interruption phase within boundaries of the second frame.

Claim 5 (twice amended). The method according to claim [3] 1, which comprises:

coding the data jointly, in each case, with data to be transmitted before and/or afterward over a superposition period having an essentially predetermined superposition length and transmitting the data superimposed upon one another;

transmitting the data to be received immediately preceding the continuous interruption phase over less than one superposition length at the higher transmission rate; and

transmitting the data to be received immediately following the continuous interruption phase over less than one superposition length at the higher transmission rate.

Claim 6 (twice amended). The method according to claim [3] 1, which comprises:

transmitting the data that are to be received immediately preceding the continuous interruption phase at the same

transmission rate as the data that are to be received immediately following the continuous interruption phase.

Claim 7 (twice amended). [The method according to claim 1, which comprises:] A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame;

transmitting the data redundantly with [an essentially] a substantially constant standard redundancy factor, except for the data that are received immediately preceding and immediately following the continuous interruption phase;

transmitting the data that are to be received immediately preceding the continuous interruption phase with a redundancy factor that is lower than the standard redundancy factor; and

transmitting the data that are to be received immediately following the continuous interruption phase with a redundancy factor that is lower than the standard redundancy factor.

Claim 11 (twice amended). [The method according to claim 1,] A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame; and

wherein the portion of the first frame is equal to the portion of the second frame.

Claim 12 (amended). [The method as claimed according to claim 1, which comprises:] A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame;

distributing a plurality of continuous interruption phases in constantly recurring time intervals in at least one higher-level multiframe that includes a plurality of frames; and

using the receiving station to interrupt performing an operation selected from the group consisting of receiving the

transmitted data and processing the transmitted data during the plurality of continuous interruption phases.

Claim 13 (amended). [The method as claimed according to claim 1, which comprises:] A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame;

configuring a plurality of multiframes such that each of the multiframes includes a predetermined number of frames;

configuring a plurality of continuous interruption phases such that an interruption phase extends recurringly in a given position of one of the plurality of multiframes; and

using the receiving station to interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data during the plurality of continuous interruption phases.

Claim 14 (twice amended). [The method according to claim 1, which comprises] A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame using the transmitting station to transmit the data such that no data transmitted [by it] thereby arrive at the receiving station during the continuous interruption phase.

Claim 17 (twice amended). [The method according to claim 1, which comprises:] A method for data transmission in a communication system, which comprises:

using a transmitting station to transmit data in structured frames in a manner such that, in at least one continuous interruption phase, a receiving station receiving the transmitted data can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data and can perform at least one other function;

configuring the continuous interruption phase to extend over at least a portion of a first frame and over at least a portion of a second frame that is successive to the first frame;

constructing the receiving station to receive the transmitted data; and

constructing the receiving station such that during the continuous interruption phase, the receiving station can interrupt performing an operation selected from the group consisting of receiving the transmitted data and processing the transmitted data.